

## REMARKS

The foregoing amendment does not involve new matter. The amendment to claim 82 is supported by original claim 35. New claims 125 is patterned after original claim 81. Claim 126 now includes material deleted from claim 53. New claims 127-130 are patterned after original claims 54, 18, 27 and 28 respectively.

The allowance of claims 5, 14-18, 21-23, 25-31, 34-37, 43, 48, 49, 54, 62-64, 78-81, 87, 89 and 93-97, and the notation of allowability of claims 20 and 84-86 is noted with appreciation. Claim 84 has been put in independent form, and is thus now allowable, along with claims 20 and 85-86 dependent thereon.

In the outstanding Office Action, claims 2, 65, 82 and 92 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,634,434 (Marino). This rejection is respectfully traversed in view of the forgoing amendment. Claim 82 relates to a needlefree access device, and requires a housing having an inlet, a base comprising an outlet, and a main body portion having a generally cylindrical inside surface between the inlet and the base; a valve member actuatable between an open position and a closed position, the valve member comprising a piston section that includes a wiper seal adjacent the inlet when the valve member is closed, wherein in the closed position the valve member prevents flow between the inlet and the outlet; and a central body within the main body portion of the housing, the central body having a helical shape on its outer surface, the central body fitting against the inside of the cylindrical surface when the valve member is in its open position; the helical shape defining a helical flow path through the main body portion of the housing when the valve member is in an open position. Marino discloses an apparatus for regulating the flow of fluid in a medical apparatus, but the device does not include a piston section that includes a wiper seal. Thus claim 82 is patentable over Marino. Claim 2, 65 and 92 are dependent on claim 82 and thus also patentable over Marino for at least the reason that claim 82 is patentable.

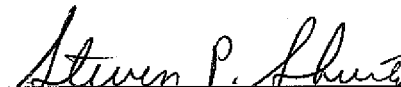
In the outstanding Office Action, claim 83 was rejected under 35 U.S.C. § 103(a) as unpatentable over Marino in view of U.S. Patent No. 6,802,490 (Leinsing). This rejection is also traversed in view of the forgoing amendment.

Claim 83 is dependent on claim 82 and patentable over Marino for at least the reason noted above. Leinsing discloses a needlefree medical connector with a piston element, but the design and operation of the needlefree connector of Leinsing and the apparatus for regulating the flow of fluid of Marino are so different that the piston element of Leinsing would not be useable in the Marino device, nor would there be any reason to modify Marino to include a piston section with a wiper seal adjacent the inlet when the valve member is closed. Thus, even if Marino and Leinsing were combined as suggested in the Office Action to include a tapered luer inlet, the combination would not have all of the features required by claim 82, nor claim 83. Thus these claims are patentable over Marino and Leinsing.

All of the rejections in the outstanding Office Action have been overcome. An early notice of Allowance is respectfully requested.

Respectfully submitted,

Date: August 14, 2008

  
Steven P. Shurtz  
Registration No. 31,424  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
405 South Main Street, Suite 800  
Salt Lake City, Utah 84111  
(801) 355-7900  
Direct Dial (801) 355-7900